

Archaeological Resources Protection

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Current Situation

The [California Statewide Historic Preservation Plan](#) states that protection is a fundamental objective of archaeological resource preservation efforts in California. The reality of the regulatory process is that relatively few archaeological sites are protected. When discovered, most sites have already suffered impacts.

Many sites have been damaged from vandalism, pothunting, natural forces (erosion, etc.) and neglect. Still others, however, are destroyed through data recovery, poorly developed research designs, unqualified or unscrupulous archaeologists, or an absence of agency review and oversight.

- Archaeological resources receive a variable degree of protection.
- There is no clear consensus among local governments, public agencies, Native American groups, the general public, and archaeological professionals about what constitutes a reasonable effort to protect archaeological resources.
- Discussing protection of sites is difficult because there is no data regarding how many of the known recorded sites still exist.
- Significant archaeological resources are being severely damaged.
- For non-federal projects, it often is left to a single archaeological professional to make recommendations to the lead agency.
- Archaeologists often make decisions regarding site significance based on incomplete information resulting in site destruction.

Ideal Situation

If the goal is to achieve a higher rate of actual site protection at all levels of government within California, this will require several things to happen, including increased Native American participation in the CEQA process, and the creation of a system of permits,

checks and balances, with some State-level oversight and accountability requirements, among other measures.

1. Cultural resource management plans in every local jurisdiction ensure increased site protection through programs and partnerships, and tailored funding mechanisms.
2. The standard of archaeological work incorporates more emphasis on creative site protection rather than destruction through mitigation.
3. Public education is integral to site protection.

How to Bridge the Gap

Bridging the gap will take the willingness of many entities to earnestly work toward changing the way we perceive and accomplish site protection, how we prioritize the value of site protection, how we mandate protection, and how we enforce protection compliance. There will have to be positive benefits established such as incentives, awards and recognition that are meaningful for property owners, developers, local governments, public agencies, archaeologists, OHP, and other entities. There will also have to be new mandates to ensure proper planning activities for site protection, as well as funding mechanisms to support oversight and assistance programs, mitigation banking programs, and other needed strategies.

- Lobby local governments to create archaeology staff positions (and fill them) or contract with qualified professional archaeologist to review reports, develop policies, and oversee local cultural resources.
- Encourage local governments to create meaningful economic incentives for site protection, such as preservation tax credits and/or tax or development credits for conveyance purposes.
- Help local agencies consider programs that emphasize protection of cultural resources.
- Local governments need to be encouraged by their citizenry and those concerned to include a cultural resource element in their General Plans. Current state law does not require such elements, but rather considers them optional.
- Work more closely with universities to provide better training for future professionals.
- Encourage efforts to ensure that existing regulations and statutes are enforced.
- Educate local governments and public agencies regarding recently enacted “SB 18” to create opportunities to better involve the Native American communities in determining site protection planning efforts.

- Provide training on cultural resource statutes as well as a primer on CEQA compliance, to local government and public agency planners, administrators, and decision makers.
- Establish an award for site protection successes at the local level to encourage increased protection.
- Establish a mitigation fee at local levels to fund cultural resource management planning, similar to a “General Plan Impact Fee” that serves to generate funds for a city or county to pay for the preparation and updating of their general plan.
- Support amendments to CEQA for provisions that mandate site protection.
- Encourage the increased participation of the descendant communities in all aspects of site protection as full partners, if not leaders, in the preservation of their cultural resources.